

**REMARKS**

Applicant would like to thank the Examiner for finding, in a Final Office Action prior to the filing of this RCE, that Claims 1-38, 50, 51, and 53-56 recite allowable subject matter.

In a previous Amendment, mailed November 14, 2005, Claims 39-49 and 52 (originally numbered 40-50 and 53) were withdrawn in response to a restriction requirement wherein Applicants elected Claims 1-38, 50, 51, and 52. In the previous Amendment, Applicant added Claims 59 and 60. At page 2 of the Final Office Action, the Examiner asserted that Claims 59 and 60 are directed to an invention that is independent and distinct from the elected invention and the Examiner withdrew the claims from consideration. By this paper Applicant has withdrawn Claims 59 and 60. Applicant reserves the right to file continuing applications directed to the non-elected claims, Claims 39-49, 52, 59, and 60.

In the Final Office Action, the Examiner rejected Claims 57, 58, 61, and 62. By this paper Applicant has canceled the rejected claims.

Thus, after entry of this Preliminary Amendment, only claims that the Examiner has found to be patentable are still pending.

Request Consideration of IDS

Two IDS submissions were filed prior to the filing of this RCE and have not been considered by the Examiner. The first IDS was mailed December 12, 2005 with a filing receipt of December, 14, 2005. The second IDS was mailed January 4, 2006 with a filing receipt of January 9, 2006. Applicant requests that the art cited in the two IDS submissions be acknowledged by the Examiner.

**U.S.S.N. 10/796,398**

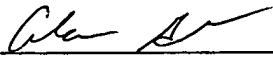
**W. McKinzie**

**Preliminary Amendment and Request for Reconsideration**

**Conclusion**

Applicant respectfully submits that all the pending claims, Claims 1-38, 50, 51, and 53-56, are patentable and in condition for allowance. Entry of this preliminary Amendment and further examination of the application are requested. A Notice of Allowance is solicited.

Respectfully submitted,  
HELLER, EHRMAN, WHITE & McAULIFFE LLP

By:   
Alan C. Gordon  
Registration No. 51,220

Attorney Docket No. 38203-6082B

**Address all correspondence to:**

Alan C. Gordon

HELLER EHRMAN WHITE & McAULIFFE, LLP

4350 La Jolla Village Drive, Suite 700

San Diego, CA 92122-1246

Telephone: (858) 450-8400

Facsimile: (858) 450-8499

Email: [alangordon@hewm.com](mailto:alangordon@hewm.com)

SD 790093 v1  
(42372.0004)